

**MANAGEMENT PLAN FOR COURT REPORTING
AND RECORDING SERVICES**

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF HAWAII

ADOPTED ON JULY 17, 2000

REVISED ON APRIL, 1 2003

APPROVED BY THE NINTH CIRCUIT

JUDICIAL COUNCIL ON MAY 28, 2003

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I

ADOPTION OF PLAN BY COURT

This Plan for the effective utilization of court reporters/recorders in the U.S. Bankruptcy Court, District of Hawaii has been adopted by this court subject to final approval by the Ninth Circuit Judicial Council.

INTRODUCTION

Proceedings conducted before a United States Bankruptcy judge may be recorded by electronic sound recording or by a contract court reporter. The judges of this court shall determine which method is to be used.

II.

APPLICABILITY OF PLAN

This Plan is applicable to all contract court reporters and deputy clerks with court recording responsibility. At this time, the Bankruptcy Court for the District of Hawaii has no contract with any individual court reporters or agency. Transcripts are prepared by transcribers who are not under contract with the court.

III.

SUPERVISION OF CONTRACT COURT REPORTERS/RECORDERS

The supervision of court reporting services involves coordination between the Bankruptcy Judge and the Clerk of the Bankruptcy Court. The Clerk of Court is designated as the administrator of any future court reporting contract and as such is charged with responsibility for management of the contract. Court recorders are deputy clerks assigned

responsibility for recording court hearings.

The Clerk shall supervise the court recorders whose duties shall include but are not necessarily limited to the following:

1. Assignment and reassignment of reporters/recorders for the purpose of distributing fairly and equitably the workload of all reporters/recorders, minimizing travel and assuring the lowest overall cost to the government.
2. Supervising the relationship between parties and reporters/recorders.
3. Monitoring and keeping a record of transcript/tape orders.
4. Reviewing transcripts to assure full compliance with format requirements of the Administrative Office of the United States Courts and the Judicial Conference of the United States.
5. Reviewing transcript billings to assure that authorized transcript rates are charged and that billing is in proper form. (See Appendix A for rates and Appendix B for information required to be included on all billings.)
6. Monitoring the transcription of the record, or such parts thereof, as may be requested by the court (electronic or contract reporter) or a party (electronic).
7. Monitoring transcripts produced by transcription services to ensure that they comply to the transcript format requirements of the Judicial Conference.
8. Preserving the audio records according to records disposition schedules established by law or the Judicial Conference.

9. Performing such other duties relating to court reporting/recording services as shall be directed by the court.

IV.

COURT REPORTING SERVICES

As of the date of this plan, the Bankruptcy Court does not use outside contract reporters. All recording is done by court employees. The court currently has one full time Electronic Court Reporting Operator [ECRO] who is located with chambers staff.

Qualifications for the position of electronic court reporter operator are contained in the Judicial Salary Plan.

V.

ASSIGNMENT OF REPORTERS/RECORDERS

The Electronic Court Reporting Operator covers all hearings and trials in the court except when on leave. In the ECRO's absence, his duties are normally backed up by the calendar clerk to the bankruptcy judge. One other member of the Clerk's staff has been trained to perform this function in case of an emergency need.

VI.

CONDUCT OF REPORTER

The reporter shall present himself or herself to the bankruptcy judge in charge of the proceedings (the "Presiding Official") in accordance with the request for service. The reporter shall observe, comply with, and be bound by all of the bankruptcy judge's instructions in

matters affecting the composition of the record, the public or private nature of the proceeding, the adjournment of the proceeding to other times or places, the appropriate demeanor of the reporter(s), and other matters of like character. The reporter shall record by mechanical equipment all of the proceedings which he or she attends. The reporter shall incorporate into the record everything which any individual speaks during a proceeding unless the bankruptcy judge directs otherwise.

VII.

HOURS OF EMPLOYMENT

Electronic court reporters are bound by the working schedule of deputy clerks and must follow the Clerk's Office Personnel Policy and Procedures with respect to time and attendance including leave policies. Also, when requested by the presiding official, reporters are required to work past normal work hours.

VIII.

CROSS-TRAINING AND BACKUP OF ECROS

To insure that the needs of the court can be met, the Clerk of Court shall provide that adequately cross-trained personnel are available to provide coverage for the electronic court reporting operator.

IX.

HOURLY/DAILY TRANSCRIPT

Hourly or Daily transcripts cannot be provided by the court. If such services are desired by any person, arrangements must be made by that person to hire a reporter to provide

these services. Permission to have a court reporter present for a hearing or trial must be requested and approved in advance by the bankruptcy judge. Unless otherwise indicated by the court, an electronic recording will also be made by court personnel and the transcript provided to the parties will not be the official transcript of the hearing or trial.

X.

ORDERING OF TRANSCRIPTS AND TAPES

Transcripts and copies of tapes can be ordered from the court. The requesting party should use the local order forms for a tape, compact disk, or the transcript of a hearing. Blank forms can be procured from the Clerk or can be downloaded from the court's web page: www.hib.uscourts.gov. The completed form should be sent to the address which is listed on the form. Requests for transcripts are sent by court staff to a transcriber and transcripts will be furnished within the time limits stated in Section XI of this Management Plan. Persons ordering transcripts will be contacted by the transcriber concerning payment of the fees. Transcripts will not be started and the time limits stated for delivery of transcripts will not commence until satisfactory arrangements are made with the transcriber for the payment of required fees.

The following standards apply to the production of transcripts for this court:

1. All transcripts shall be produced in the format required by the Judicial Conference of the United States. [See Court Reporter's Manual, Chapter XVIII, for format requirements].
2. No court reporter/transcriber shall charge fees for transcripts of official proceedings which exceed those recommended by the Judicial Conference of the United States. (See Appendix A for rates.)

3. A schedule of the prescribed maximum transcript rates shall be posted on the court's web page and the schedule shall be available to any person who requests information concerning the cost of preparing transcripts.

4. Each court reporter/transcriber shall furnish to the Clerk of Court a copy of each billing for official transcripts, together with the original transcript for filing. (See Appendix B for information required to be included on all billings.)

5. Each court reporter/transcriber is required to certify on each invoice that the fees charged and page format used conform to the regulations of the Judicial Conference of the United States.

6. For transcripts in non-appellate cases the full price may be charged only if the transcript is delivered within the contract required time frame [including any extensions which have been authorized by this court].

7. For transcripts in cases on appeal the full price may be charged only if the transcript is delivered within thirty (30) days or within such other time as may be prescribed by the Bankruptcy Court, District Court or Court of Appeals. (See Appendix C for computation of transcript delivery dates.) Reduced rates for late delivery may apply. The rate for a transcript which would be billed at the ordinary rate if submitted on time is 90% of the ordinary rate. A transcript ordered on an "expedited" basis shall be billed at the "ordinary" rate if not delivered within 7 days [See Appendix A for expedited rate].

Upon request, the court may reproduce tapes or create compact disks on its own duplicating equipment or on commercial equipment and may sell copies of electronic sound

recording tapes made as the official record to the public at the prevailing rate prescribed by the miscellaneous fee schedule in effect. Orders for copies should be submitted to the court on the “Order Form - Recording of Hearing on tape or CD”.

The court will have transcripts of proceedings prepared by professional transcription services. Orders for transcripts should be submitted to the clerk's office on the court's transcript order form. All format, delivery time schedule, and fee requirements adopted by the Judicial Conference apply as if the transcript were produced by one of the court's reporters.

The electronic court recorder operator is required to certify that the recording is a true and correct record of the proceedings.

The person or transcription firm designated to transcribe the proceedings recorded by electronic sound recording must authenticate the original transcript and each copy with a certification on the last page.

Sample Certification. "I (we) certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

Signature of Transcriber

Date"

Each reporter may charge and collect fees for transcripts requested at rates prescribed by the court subject to the approval of the Judicial Conference.

XI.

TIME LIMITS FOR DELIVERY OF TRANSCRIPTS

Original transcripts ordered by judicial officers shall be filed with the clerk and a copy provided to the judicial officer within the time prescribed by the order.

All transcripts of official proceedings prepared for the purpose of appeal shall be delivered to the ordering party and filed with the Clerk of the Bankruptcy Court within the prescribed time limits.

Extensions of time for appellate transcripts must be sought from the Court pursuant to FRBP 8007.

XII.

FILING OF THE NOTES AND ELECTRONIC RECORDINGS

There shall be no additional charges for securing the record of a proceeding and for transporting the record to the Clerk of Court. The costs of these services are included in the schedule rates.

XIII.

REPORTS REQUIRED TO BE FILED

At regular intervals as specified by the Clerk, each court reporter/recorder shall file with the Court Reporter Supervisor an attendance report, or voucher, or courtroom log which details the amount of time that court reporter/recorder actually served in court.

XIV.

REPORTS REQUIRED TO BE FILED WITH
THE COURT REPORTING SECTION
OF THE ADMINISTRATIVE OFFICE OF
THE UNITED STATES COURTS

Court reporters are no longer required to file an AO 40C report with the Administrative Office. This Court has no contract reporters and consequently no quarterly reports of activities are required to be filed.

XV.

RECORDS TO BE MAINTAINED
BY COURT REPORTERS

In order to permit the routine audit and inspection of records, official reporters must maintain accurate, legible, and up-to-date records of their expenses, attendance in court, transcript orders, and invoices. Such records shall be maintained on forms prescribed by the Judicial Conference of the United States.

XVI.

TRANSCRIPT BACKLOGS

The court reporter supervisor is authorized to take necessary steps to reduce backlog or production delays. Such steps may include, but not necessarily limited to the following:

- 1) Working with the ECRO or with the transcriber to reduce backlogs.

- 2) Seek decertification from the Administrative Office of transcription service of electronic recordings.
- 3) Progressive discipline pursuant to the Personnel Policies and Practices of the Clerk's Office if backlog is the result of a performance problem with the electronic court recorder.

XVII.

MISCELLANEOUS PROVISIONS

1. The work of all court reporters/recorders shall be "note-readable" so that the notes of a court reporter/recorder can be read by another reporter if necessary.

ADOPTED, APPROVED, and EFFECTIVE this 28TH of May, 2003

Robert J. Faris

Bankruptcy Judge

APPENDIX A

MAXIMUM TRANSCRIPT FEE RATES

(As approved by the Judicial Conference, U.S., September, 2002)

	Original Price per page	1st Copy to <u>Each Party</u> Price per page	Additional Copy <u>to Same Party</u> Price per page
ORDINARY RATE	\$3.30	\$.83	\$.55
EXPEDITED RATE	\$4.40	\$.83	\$.55
DAILY RATE	\$5.50	\$1.10	\$.83
HOURLY RATE	\$6.60	\$1.10	\$.83
REALTIME	2.75	1.10	

The above rates are applicable to each page of transcript, excluding the certification page which must be at the end of each volume of transcript.

DEFINITION OF METHOD OF TRANSCRIPTION:

ORDINARY: Transcript to be delivered within 30 days.

EXPEDITED: Transcript to be delivered within 7 days.

<u>DAILY:</u>	Transcript to be delivered following adjournment and prior to normal opening hour of court on following morning whether or not it is a court day.
<u>HOURLY:</u>	Transcript, ordered under unusual circumstances, to be delivered within 2 hours.
<u>REALTIME:</u>	A draft unedited transcript produced by a certified realtime reporter.

APPENDIX B

INFORMATION REQUIRED TO BE INCLUDED ON ALL BILLINGS

1. Name of Client.
2. Date Ordered.
3. Date Delivered.
4. In the Matter of.
5. Number of Pages.
6. Number of Copies.
7. Type of Delivery Schedule.
8. Discount
9. Refunds.
10. Total Due.
11. Certification of Reporter or Transcription Firm of Compliance with Fee and Transcript

Format Prescribed by the Judicial Conference.

Form AO 44, Invoice, is available (free of charge) from the Administrative Office of the U.S.

Courts for use by court reporters.

APPENDIX C

COMPUTATION OF TRANSCRIPT DELIVERY DATES

Transcripts delivery dates are computed from:

- a. The date on which satisfactory financial arrangements for payment are made, except for transcripts to be paid for by the United States or free copies ordered by the court;
- b. The date on which the appropriate Transcript Order or CJA 24 form is received by the reporter/transcriber when the transcript is to be paid for by the United States;
- c. The date on which the court order is provided to the reporter/transcriber when a transcript has been ordered by a judicial officer.